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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/461,699	12/14/1999	STELLIOS J. PATSIOKAS	XM-0025	4157

7590 11/19/2002

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EXAMINER

MILORD, MARCEAU

ART UNIT PAPER NUMBER

2685

DATE MAILED: 11/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action

Application No.

09/461,699

Applicant(s)

S. PATSIOKAS

Examiner

Marceau Milord

Art Unit

2685

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 January 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-17.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: see attached

Applicant's representative argues that Anderson, Matsura and Bravman do not teach a system for distributing program content having a means for transmitting the program content and data relating via a wireless network and for storing the data in response to a user input.. However, Anderson discloses a remote device that transmits information to the home station or Personal Communication Services Network Control Center which receives the required information and directs it to the request data servers. The request data servers store the requested information in their databases, and reply back to the PCS NCC with valid product information and a request for order delivery and purchase confirmation (see col. 3, line 45- col. 4, line 52; col. 2, lines 36-48).

Applicant's representative argues that Matsura does not teach a storage of data relating to program content; 2) provide for a storage of this signal in response to user input; 3) provide a nonrecord-ability signal

Matsuura discloses an Internet Web site address data which is stored in the Internet address memory, where the address data is stored corresponding to program and page information indicating character broadcast program and page positions on which object Web site address data is superposed. The character broadcast program information can be obtained by the user based on program information and page information included in the header of the character broadcast transmitted with the character data (col. 4, lines 33-64; col. 5, line 39- col. 6, line 64) In response to applicant's argument that the references fail to teach all the features of applicant's invention, it is noted that the features upon which applicant relies are taught by Anderson, Matsuura and Bravman. The claims are interpreted in light of the specification, and the references are read into the claims..



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